

F A X C O V E R

*****OFFICIAL FAX*****

Date: January 31, 2006 **Number of pages** (including cover): 3

To: Examiner Matthew D. Anderson, US Patent and Trademark Office

Fax No.: (571) 273-4177

Serial No.: 09/605044-Conf. #4788

Title: METHOD AND APPARATUS FOR MAINTAINING INVENTORY OF LOGICAL VOLUMES STORED ON ELEMENTS

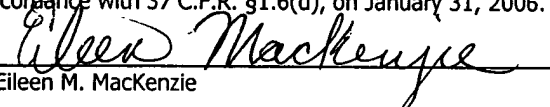
From: Scott J. Gerwin

Direct dial: (617) 646-8243

Our File #: E0295.70117US00

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Examiner Matthew D. Anderson, US Patent and Trademark Office, FAX number (571) 273-4177, at the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 C.F.R. §1.6(d), on January 31, 2006.


Eileen M. MacKenzie

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MESSAGE: Transmitted herewith is a Proposed Agenda for Telephone Interview.

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PATENTS TRADEMARKS COPYRIGHTS TECHNOLOGY TRANSFERS LITIGATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Black
Serial No.: 09/605,044
Confirmation No.: 4788
Filed: June 27, 2000
For: METHOD AND APPARATUS FOR MAINTAINING INVENTORY OF
LOGICAL VOLUMES STORED ON STORAGE ELEMENTS

Examiner: Matthew D. Anderson
Art Unit: 2186

PROPOSED AGENDA FOR TELEPHONE INTERVIEW

In response to Applicant's Proposed Agenda that was sent via fax to the Examiner on January 27, 2006, the Examiner left a voicemail for Scott Gerwin on January 31, indicating that he would like Applicant to propose a claim amendment to discuss during the telephone interview.

A proposed amendment to claim 1 is provided below.

1. A method of inventorying logical volumes in a computer storage system, the computer storage system comprising a plurality of storage elements coupled together with a communication network, the method comprising steps of:
for each of a plurality of logical volumes, maintaining information identifying each user of the respective logical volume, wherein the respective logical volume may have multiple users; [[and]]
using at least a portion of the information to determine at least one of the users of at least one of the plurality of logical volumes; and
~~for each of the plurality of logical volumes, based on the~~
determination of the at least one user, verifying that the logical volume is
~~still in use using at least a portion of the information identifying each user.~~

Serial No.: 09/605,044
Conf. No.: 4788

-2-

Art Unit: 2186

After reviewing this proposed agenda, the Examiner is respectfully requested to contact Scott Gerwin at (617) 646-8243 to schedule a time for the telephone interview.

Respectfully submitted,

David Black, Applicant

By: 

Richard F. Giunta, Reg. No. 36,149
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Boston, Massachusetts 02210-2211
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Docket No. E0295.70117US00
Date: January 31, 2006

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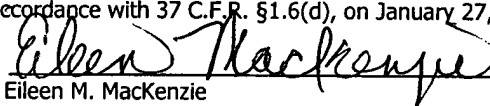
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PROPOSED AGENDA FOR TELEPHONE INTERVIEW

Applicant thanks Examiner Anderson for his willingness to conduct a telephone interview. Applicant would like to discuss the following points.

In the response mailed November 14, 2005, Applicant pointed out that Fisher discloses a mount status table that indicates whether a volume is mounted or unmounted. This mount status table is the information which Fisher uses to determine whether a volume is still in use. Applicant pointed out that this information is not information identifying a user. Thus, applicant argued that Fisher did not disclose the limitation of claim 1 that recites "verifying that the logical volume is still in use using at least a portion of the information identifying each user," as the information that Fisher uses to determine whether a volume is still in use is not information identifying a user.

In response to this argument, the Examiner stated that the entire database of Fisher corresponds to the claimed information identifying each user, and a portion of this database identifies if the volume is in use (mounted).

Applicant would like to discuss the Examiner's view that it is appropriate to interpret the phrase "information identifying each user" in claim 1 to refer not only to information that actually identifies a user but also other information (which does not identify a user), stored in a common database. The claim is intended to require that the information that is used to verify whether a logical volume is still in use is information that actually identifies users. The

Serial No.: 09/605,044
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-2-


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Examiner does not appear to disagree that this feature is not disclosed in Fisher, but rather appears to be interpreting the language of the claim more broadly than Applicant intends. In view of that, Applicant would like to discuss whether clarifying amendments can be made that will give the Examiner comfort that the claims recite that information used to verify that a logical volume is still in use is information identifying a user.

After reviewing this proposed agenda, it is respectfully requested that the Examiner contact Scott Gerwin at 617-646-8243 to schedule a time for the telephone interview.

Respectfully submitted,

David Black, Applicant

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